

to Judge Heffley's analysis on the harmlessness of the *Bruton* violation as laid out in the separately filed memorandum opinion;

3. The Honorable Marilyn Heffley's report and recommendation (Doc. No. 39) is **APPROVED** and **ADOPTED** except as otherwise modified in the separately filed memorandum opinion;

4. The petitioner's petition for writ of habeas corpus (Doc. No. 1) is **DENIED**;

5. The petitioner has not made a substantial showing of the denial of a constitutional right and is therefore not entitled to a certificate of appealability, 28 U.S.C. § 2253(c)(2); and

6. The clerk of court shall mark this case as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.